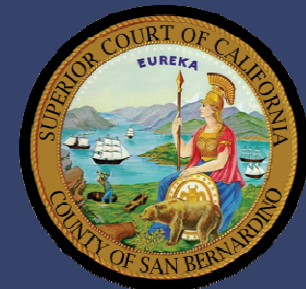




# AB 109

## Public Safety Realignment Act



*Chief Probation Officer Michelle Scray Brown*



## Public Safety **Realignment Act**

- April 4, 2011, Governor signed Assembly Bill 109
- AB109 Transfers certain responsibilities to local jurisdictions
- California under Supreme Court mandate to reduce prison population by May 24, 2013 to 137% of intended capacity



## AB109 Impacts

- As of October 1, 2011, AB109 transfers responsibility for parole supervision to local jurisdictions for “low level offenders”
- As of October 1, 2011, those sentenced to state prison for “low level offenses” will serve their time in County jail instead of state prison



# Local Community Corrections Partnership

AB109 Required the Development of a Community Corrections Partnership **Executive Committee.**

## *Chair*

- » Chief Probation Officer Michelle Scray Brown

## *Members*

- » Sheriff John McMahon
- » District Attorney Michael Ramos
- » Public Defender Phyllis Morris
- » Presiding Judge Honorable Marsha Slough
- » Chief Jeff Mendenhall, Upland Police Department
- » Human Services Assistant Executive Officer Linda Haugan



## AB109

- Required development of a local plan to address realignment
- In addition to the Executive Committee, the Working Group, consisting of 21 members from various agencies, met for six weeks and developed the plan
- All meetings were posted in accordance to the Brown Act and County Policy



## Transfer of Parole Supervision

- San Bernardino County estimated to receive between 5500-6500 “low level offenders” between 2011 - 2014
- Probation Department is responsible to supervise these offenders
- These offenders are not a “new” population. They would have been in the community and supervised by the state
- These offenders are referred to as Post Release Community Supervision (PRCS) instead of parolees.



## Low Level Offenders

- Defined as those whose current offense is:
  - *Non-violent*
  - *Non-serious*
  - *Non-sex offender*
- Serious or violent offenders are defined in Penal Code Sections 1192.7 and 667.5(c)



# Public Safety **Realignment**

## Realignment Requires:

- Supervision of offenders in the community
- Treatment services that are evidence based

## Local Custody Requires:

- Low level offenders sentenced to state prison serve custody time in county jail





# Realignment Goals

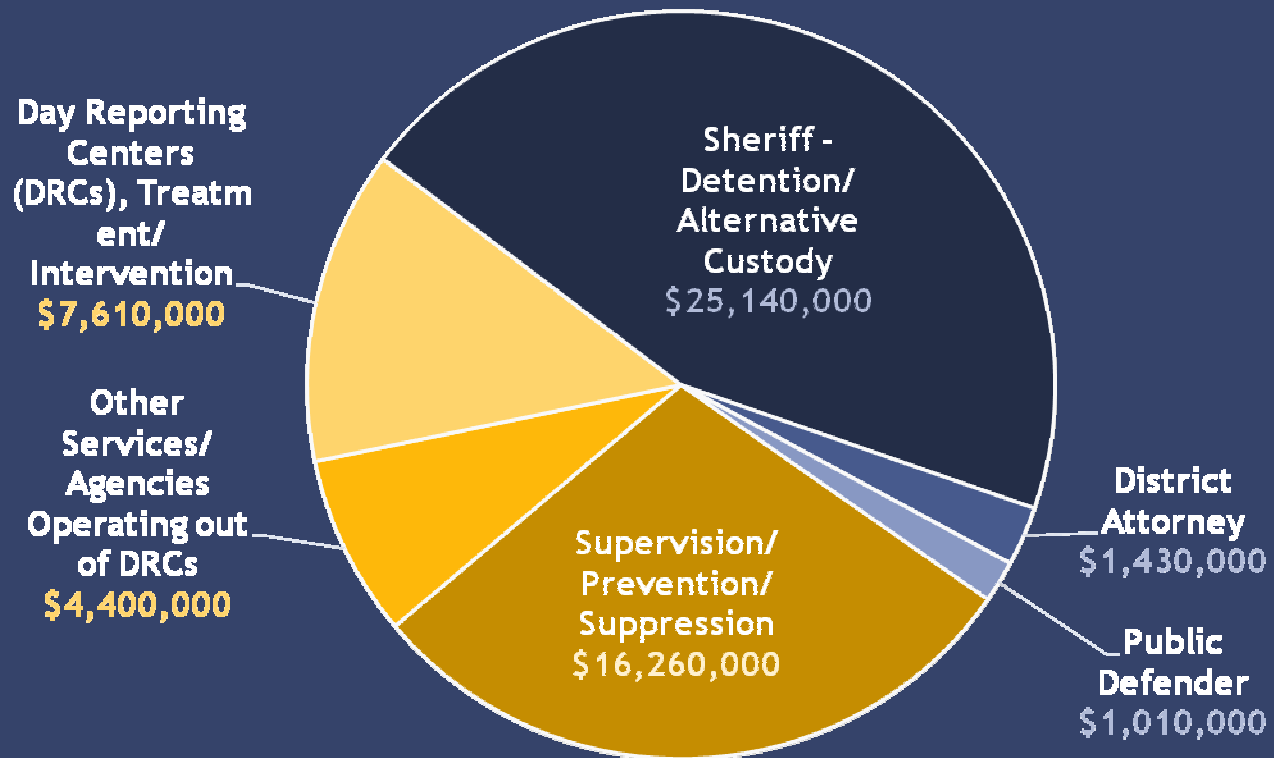
- Downsize the State Prison system
- Establish community partnerships to determine local plans
- Incorporate re-entry principles into in-custody programming
- Incorporate evidence-based practices with Post Release Community and Mandatory Supervision
- Intervention, suppression and rehabilitative services rendered based on risk/needs assessments





# Funding Strategy

● Funds allocated for 2012-2013: **\$55.85 million**





# AB109 Budget

AB 109 Budget

Department	2013-2014 Increase/Decrease	2013-2014 Total Allocations/Budgeted	2012-2013 Allocations	21012-2013 Budgeted
	<b>\$4,620,375</b>	<b>\$66,181,209</b>	<b>\$55,845,571</b>	<b>\$61,560,834</b>
Probation	1,602,609	27,908,628	23,862,404	26,306,019
Sheriff	693,665	28,407,422	25,141,920	27,713,757
District Attorney	1,268,448	2,843,626	1,429,001	1,575,178
Public Defender	1,055,653	2,169,593	1,010,566	1,113,940
Public Health	0	106,359	96,489	106,359
Children, Family Svcs.	(96,754)	0	87,775	96,754
DAAS	0	82,169	74,544	82,169
DBH	96,754	4,335,308	3,845,216	4,238,554
WDD	0	195,000	176,904	195,000
TAD	0	6,695	6,074	6,695
HR	0	126,409	114,678	126,409
<b>Total</b>	<b>\$4,620,375</b>	<b>\$66,181,209</b>	<b>\$55,845,571</b>	<b>\$61,560,834</b>



# San Bernardino County Probation **Public Safety** Realignment Implementation

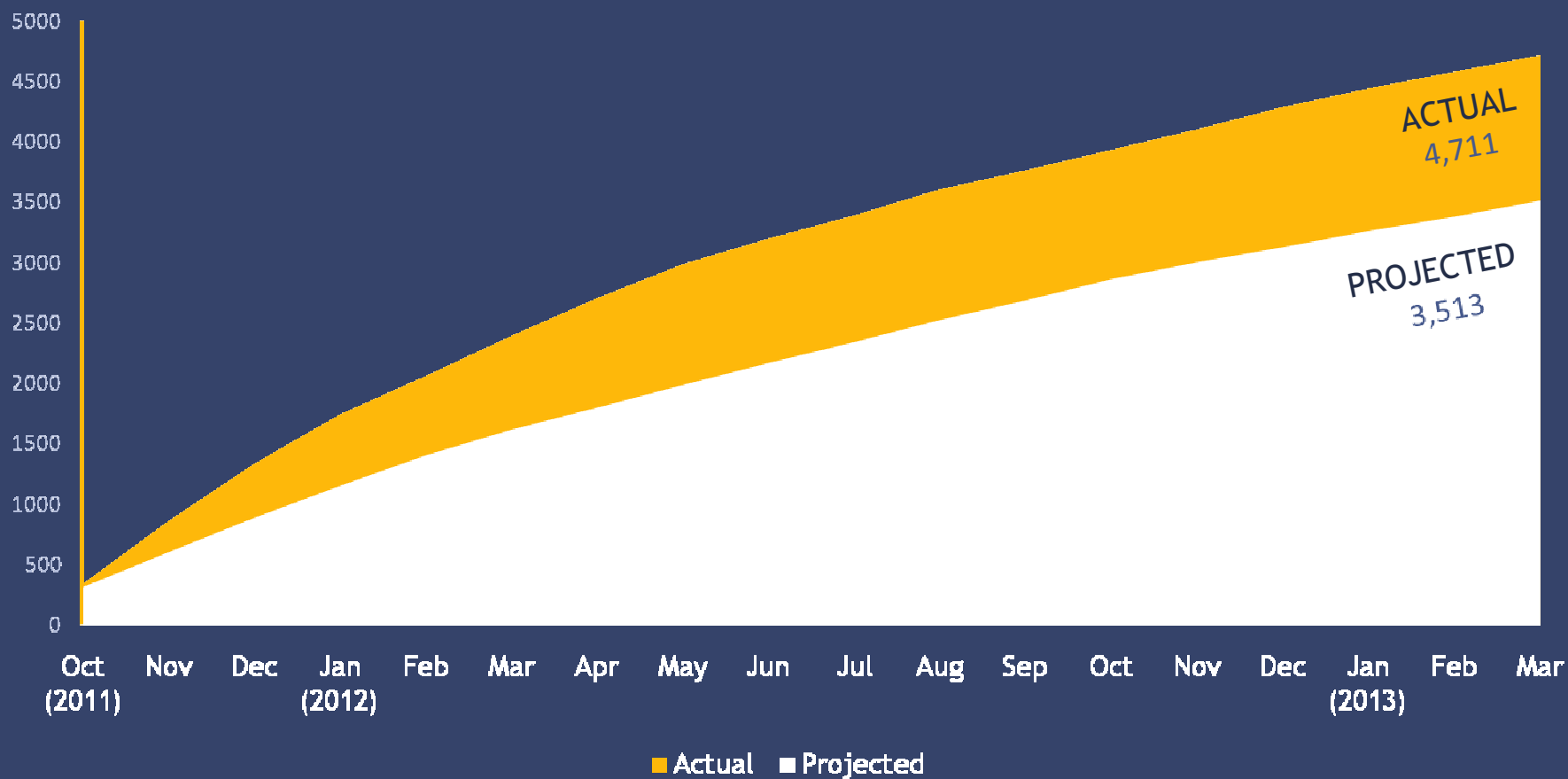
*Chief Probation Officer Michelle Scray Brown*



# Realignment To Date

*PRCS Releases from Prison*

2011-2012 CDCR PROJECTIONS VS. ACTUAL PRCS RELEASES



as of March 31, 2013

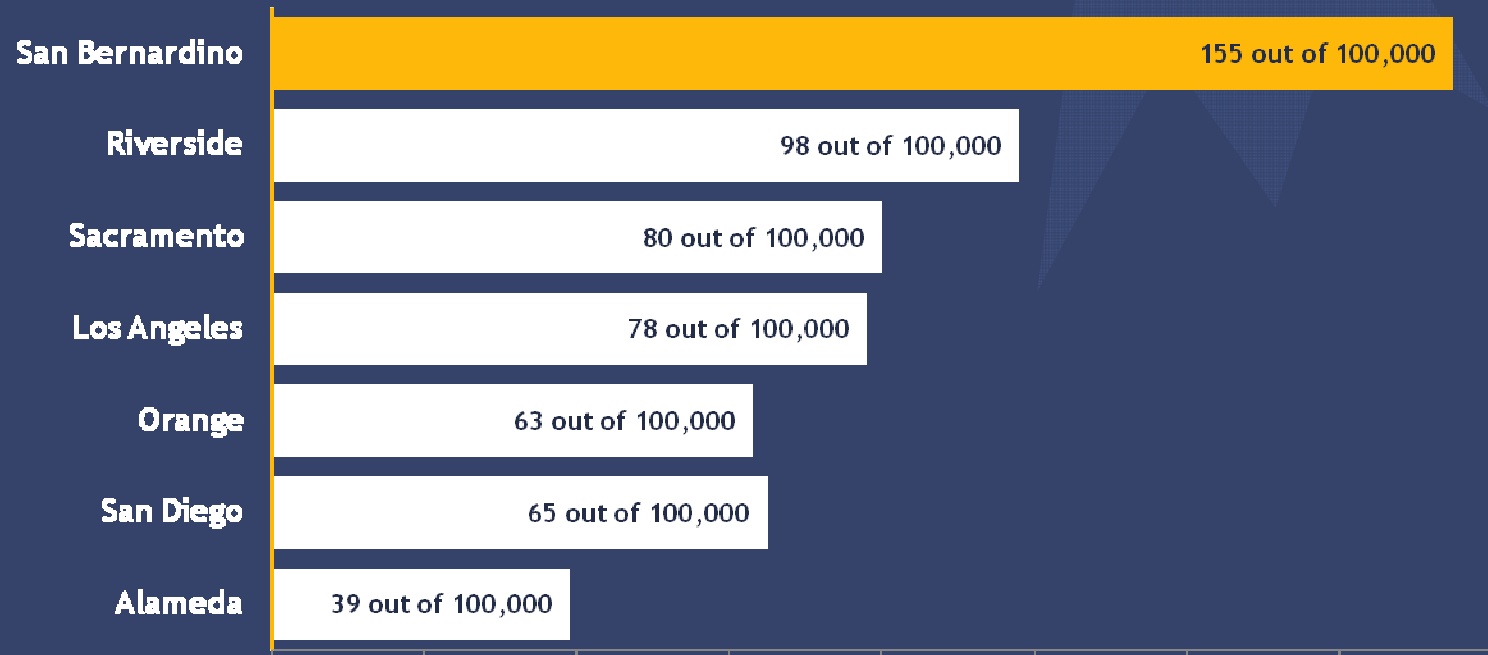


# Projected Impact

Per CDCR, San Bernardino County was **projected** to receive approximately **3,513** Post Release Community offenders (formerly parolees) between October 2011 and March 2013.

» *San Bernardino County actually received **4,711 offenders** between October 2011 and March 2013, including transfers from other counties*

## TOTAL CDCR PROJECTED PRCS RELEASES **PER CAPITA**

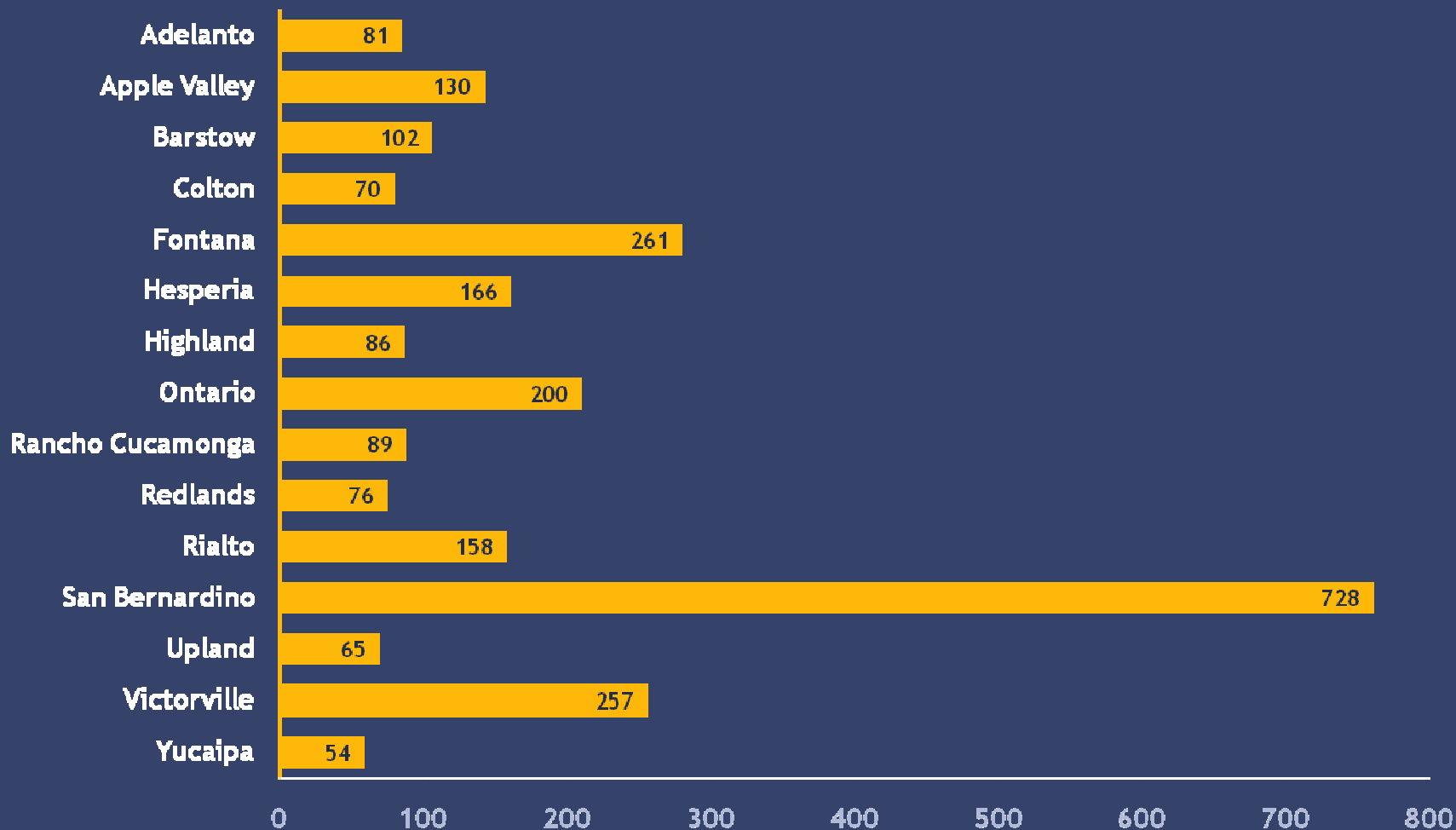




# AB109 Demographics

*By Region*

## OFFENDERS BY CITY



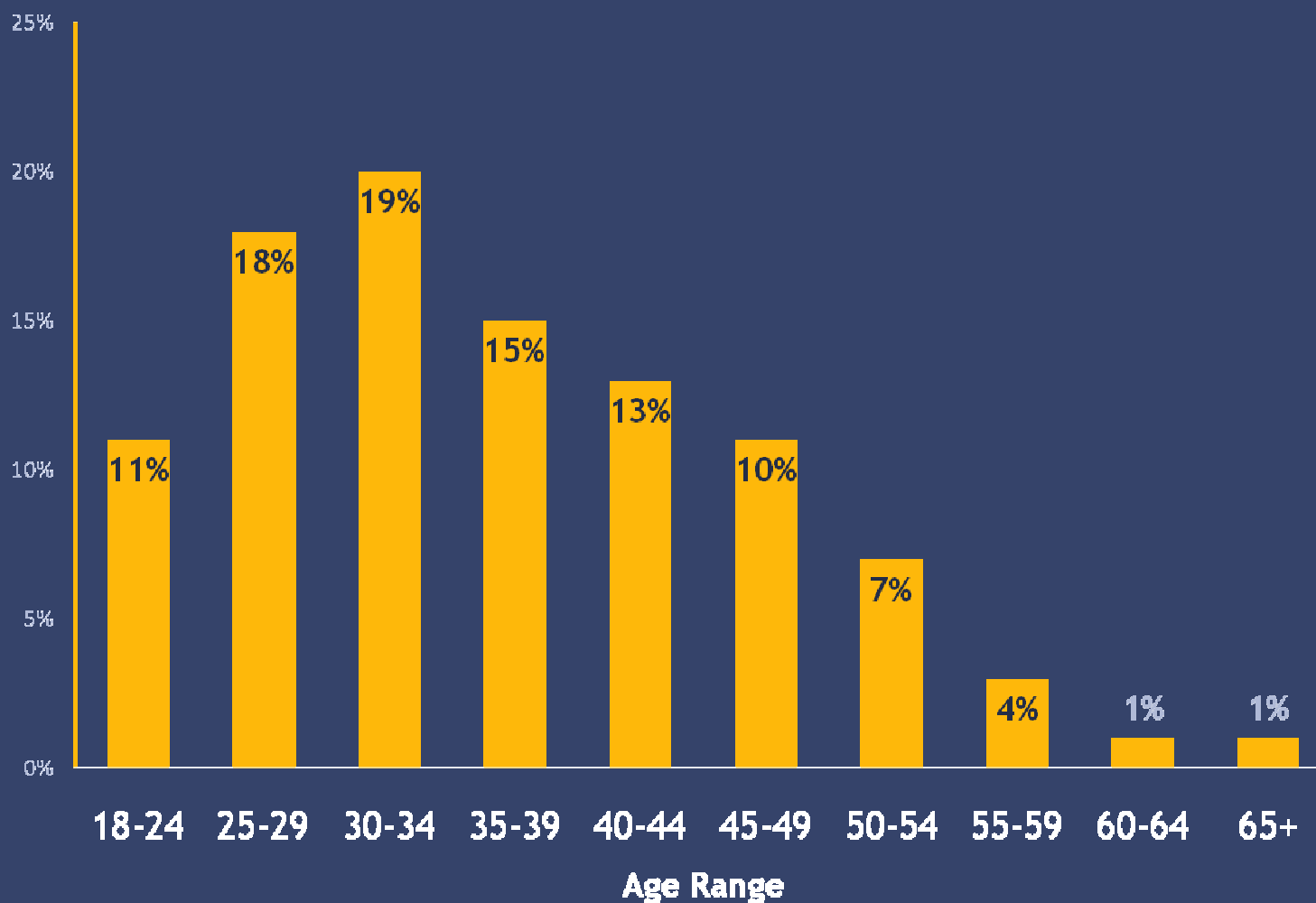
Top 15 cities by PRCS Population

as of March 31, 2013



# AB109 Demographics

*Offender Age*



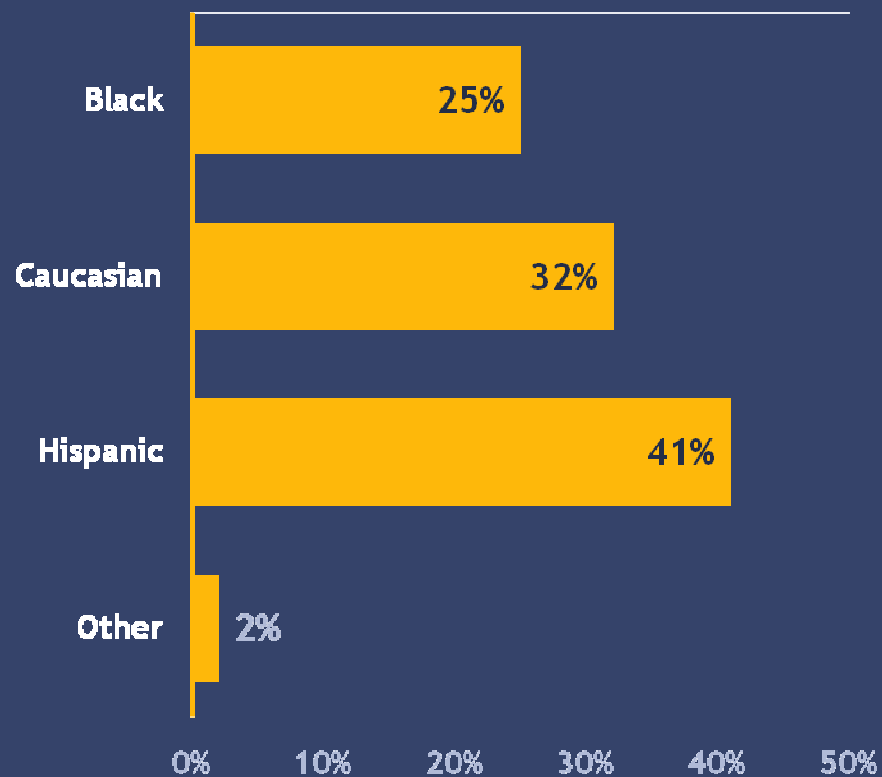
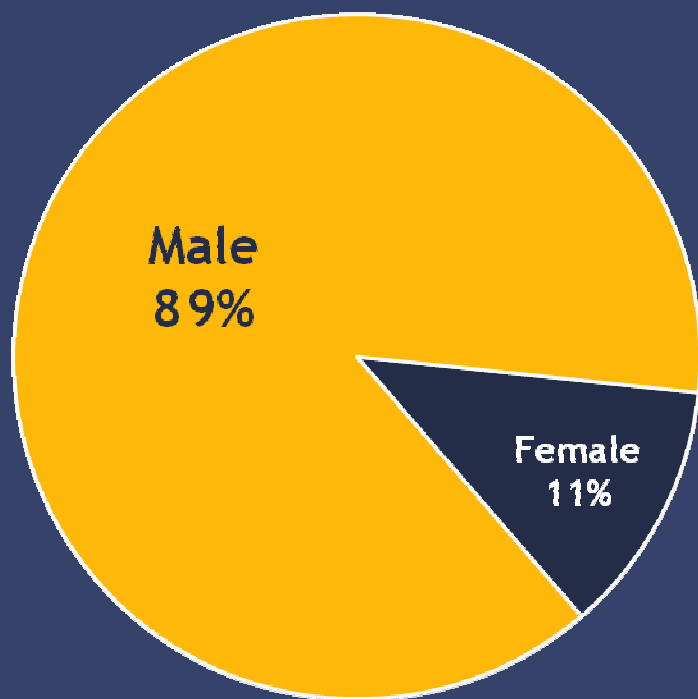
as of March 31, 2013





# AB109 Demographics

*Gender and Ethnicity*



as of March 31, 2013



# AB109 Demographics

*Offender History*

OFFENDERS REQUIRING SPECIALIZED SUPERVISION:

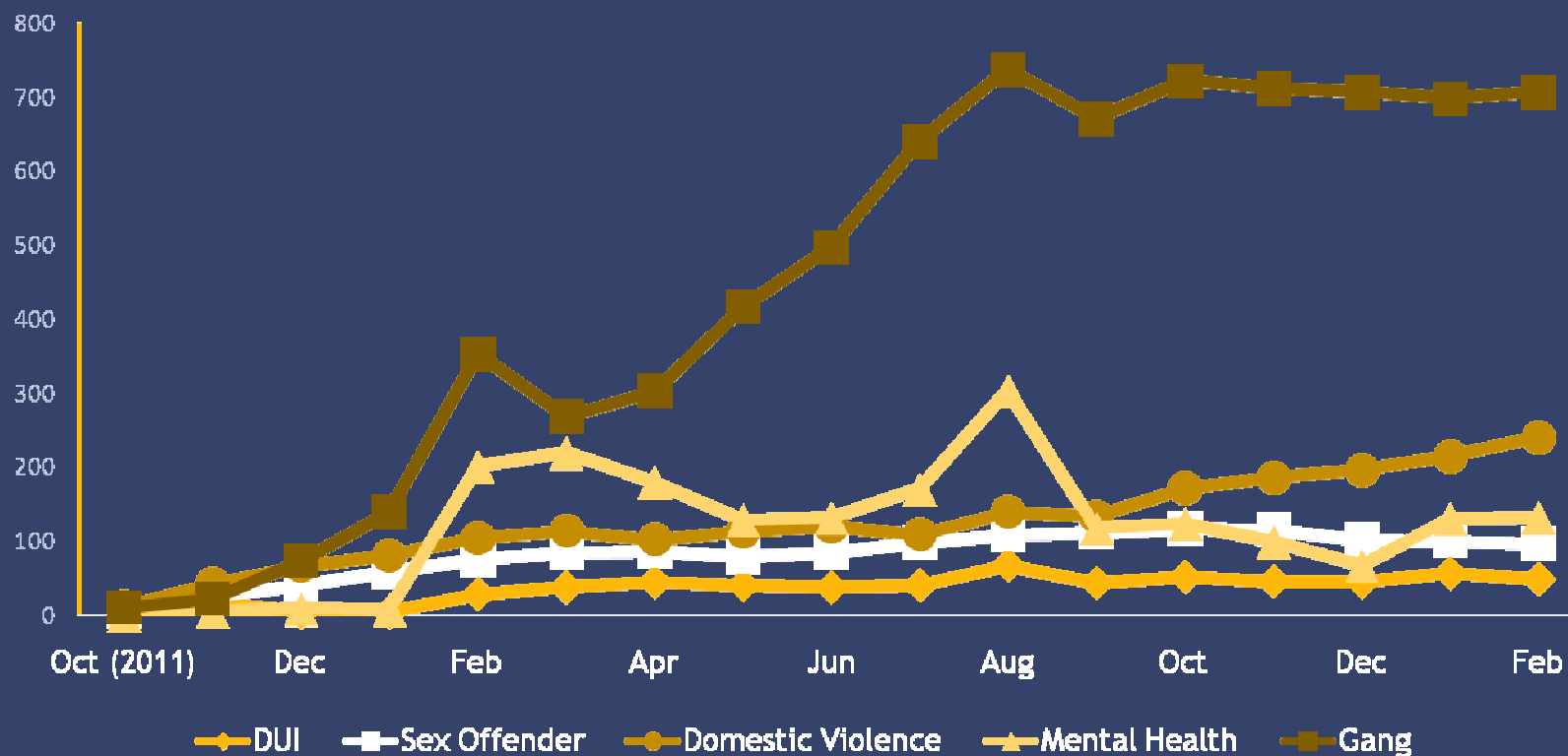
**49**  
DUI

**97**  
Sex Offender

**241**  
Domestic Violence

**132**  
Mental Health

**707**  
Gang

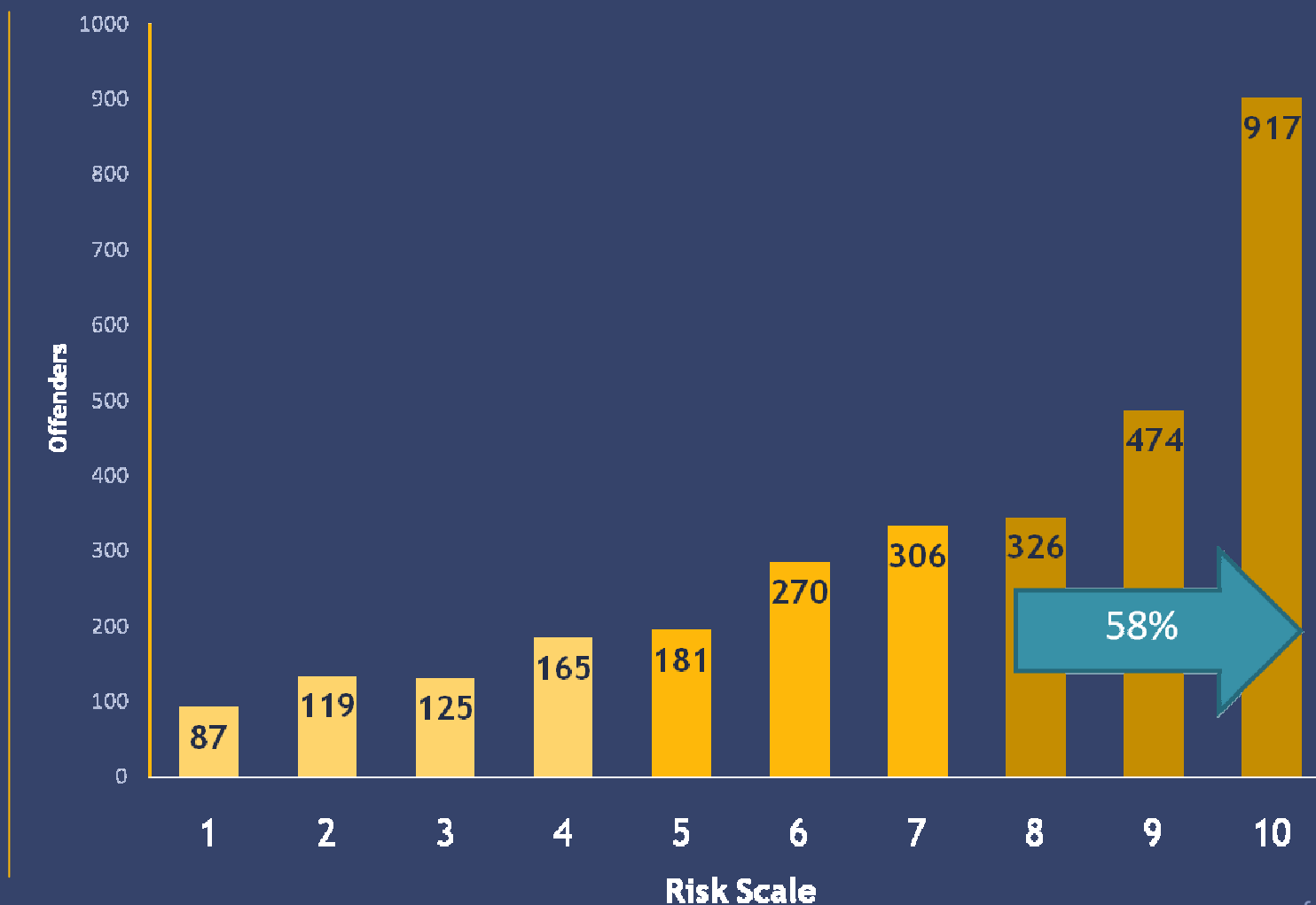


as of February 28, 2013



# AB109 Demographics

*Risk Assessment Score*



as of March 31, 2013

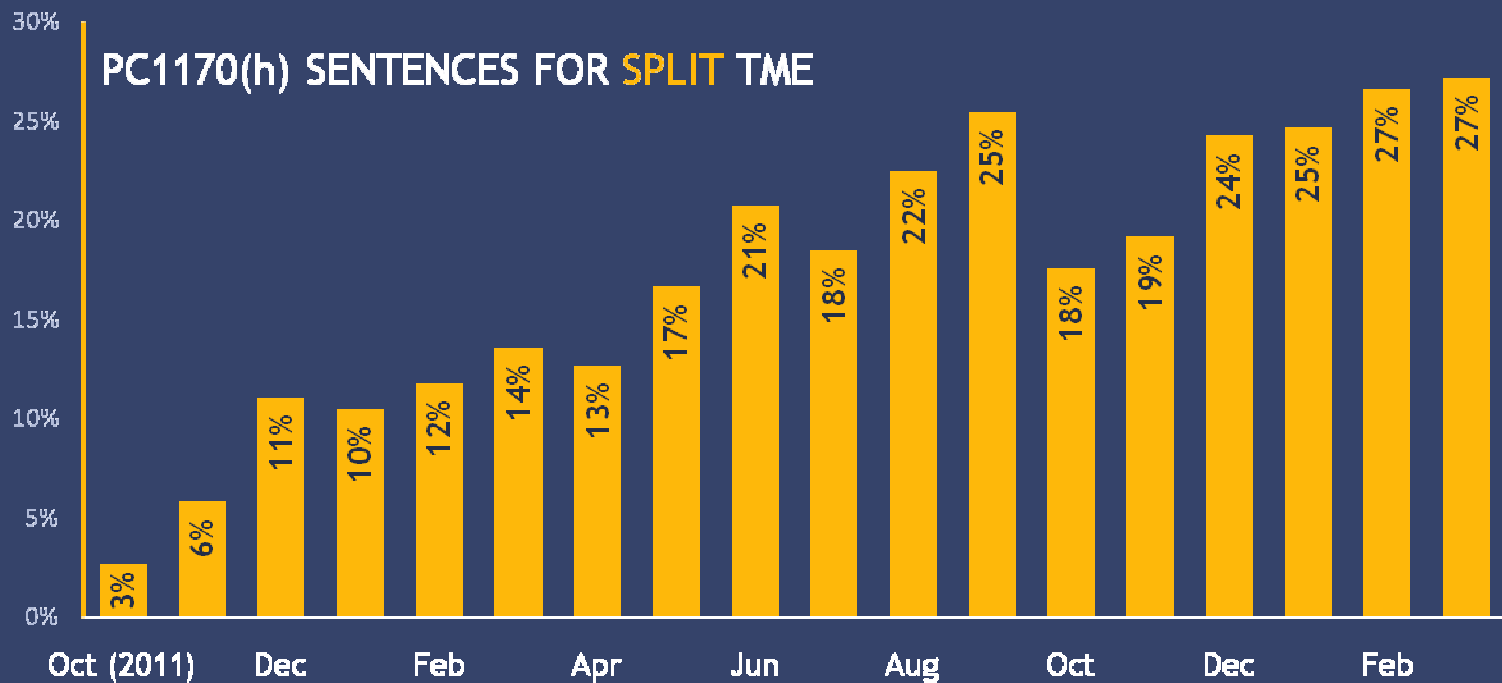


# Realignment To Date

*PC1170(h) Sentencing*

TO DATE, THERE HAVE BEEN **6,307** PC1170(h)(5) SENTENCES

- » **5,190 (82%)** “straight sentence”
  - » *Will complete their sentence in county jail*
- » **1,117 (18%)** “split sentence”
  - » *Will serve time in county jail and then be supervised by Probation*



as of March 31, 2013



# AB109

## *Supervision*

County **supervision** of triple-non offenders released from State Prison effective October 1, 2011:

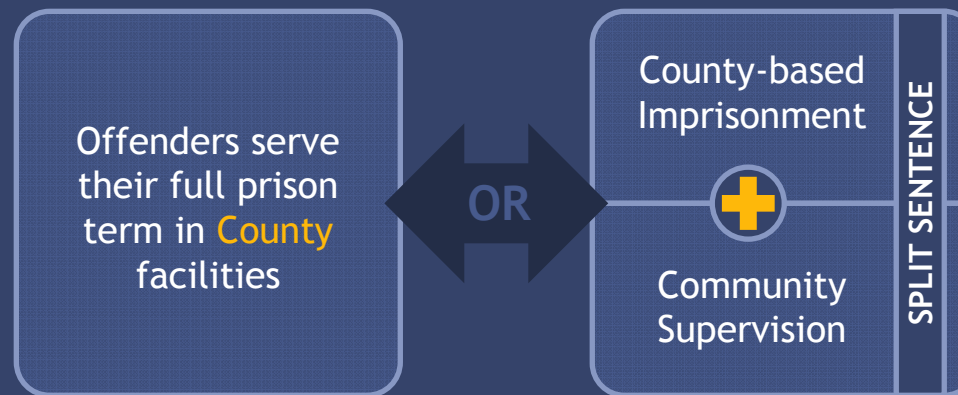
- After release, offenders are supervised by **Probation** with terms and conditions; procedures are generally applicable to probation cases.
  - » *For PRCS offenders, Probation will take the place of Parole*
  
- Offenders in “technical” violation of terms are managed at the **local** level.
  - » *Post-Release Community Supervision (PRCS) offenders can be incarcerated per PC 3454(b) & (c) Flash Incarceration*
  - » *Mandatory Supervision probationers can be sentenced per:*
    - ❖ *PC 1170(h)(5)(A) Straight imprisonment*
    - ❖ *PC 1170(h)(5)(B) Reinstatement*



# AB109

## Sentencing

### COUNTY SENTENCING OF TRIPLE-NON OFFENDERS:



*Local imprisonment for prisoners per PC1170 (h)(5)(A).*

*Offender's sentence is split between county jail and "community supervision."*

*Felony probation supervision services are rendered per PC1170 (h)(5)(B).*



# Supervision Strategies

THE **PROBATION DEPARTMENT** IS COMMITTED TO:

- Assign **trained** Probation Officers to proactively supervise offenders
- Utilize evidence-based risk/needs assessments to best determine **intervention** plans
- Develop community partnerships in order to provide appropriate and available **rehabilitative** treatment
- Work **collaboratively** with local law enforcement to supervise offenders



# Supervision Strategies

## SUPERVISION TO INCLUDE:

- Caseload ratio: 1 officer per 50 High Risk offenders
- Proactive case management services
  - » *Required office reporting*
  - » *Frequent home visits (announced and unannounced)*
  - » *Periodic searches and random drug tests*
- Day Reporting Centers incorporating comprehensive services
- Flash incarceration alternative for PRCS offenders
- Local law enforcement operations
- Probation Officers assigned to Sheriff and Police substations to target high-risk offenders







# Supervision Strategies

## CRIMINAL INTELLIGENCE UNIT

- » *Analyze, collect and disseminate information related to criminal activity*
- » *Determine tactical and strategic supervision and intervention services*

## OPERATION SAFETY/POLICE AND SHERIFF LIAISON OFFICERS

- » *Probation Officers assigned to Sheriff substations and Police agencies throughout County*
- » *Collaborative enforcement teams target high-risk and gang-involved offenders*
- » *Immediate response ensures safer communities*



## PROBATION APPREHENSION TEAM

- » *Officers concentrate on immediate threats to community safety*
- » *Apprehend AB109 fugitives, probationers at large and perpetrators of recent serious crimes*



# AB109 Outcomes

*Officer Activities*

IN THE PAST YEAR, **PROBATION OFFICERS** HAVE CONFISCATED:

**55.84** pounds

*Marijuana*

**107**

*Firearms*

**5.63** pounds

*Methamphetamine*

**174**

*Other Weapons*

**4** grams

*Cocaine*

as of February 28, 2013



# AB109 Programs

## *Day Reporting Centers*

- Services provided at three Day Reporting Centers:
  - » *San Bernardino*
  - » *Rancho Cucamonga*
  - » *Victorville*
- Emphasis on rehabilitative services, intermediate sanctions and close monitoring of offenders
  - » *Intermediate sanctions help to utilize jail space efficiently*
- Reliance on collaboration between inter-agency services as well as community-based providers and organizations





# AB109 Programs

*Day Reporting Centers*

## COLLABORATING AGENCIES:

- » Department of Behavioral Health
- » Workforce Development
- » Transitional Assistance Department
- » Public Health
- » Community-based organizations



# AB109 Programs

*Day Reporting Centers*

## INTERVENTIONS AND EVIDENCE-BASED PROGRAMS IMPLEMENTED:

- » Substance abuse treatment
- » Cognitive restructuring and behavioral modification
- » Employment/job preparation services
- » Vocational training
- » Transportation services
- » Education assistance
- » Medical Services
- » Transitional Housing
- » Mental health services

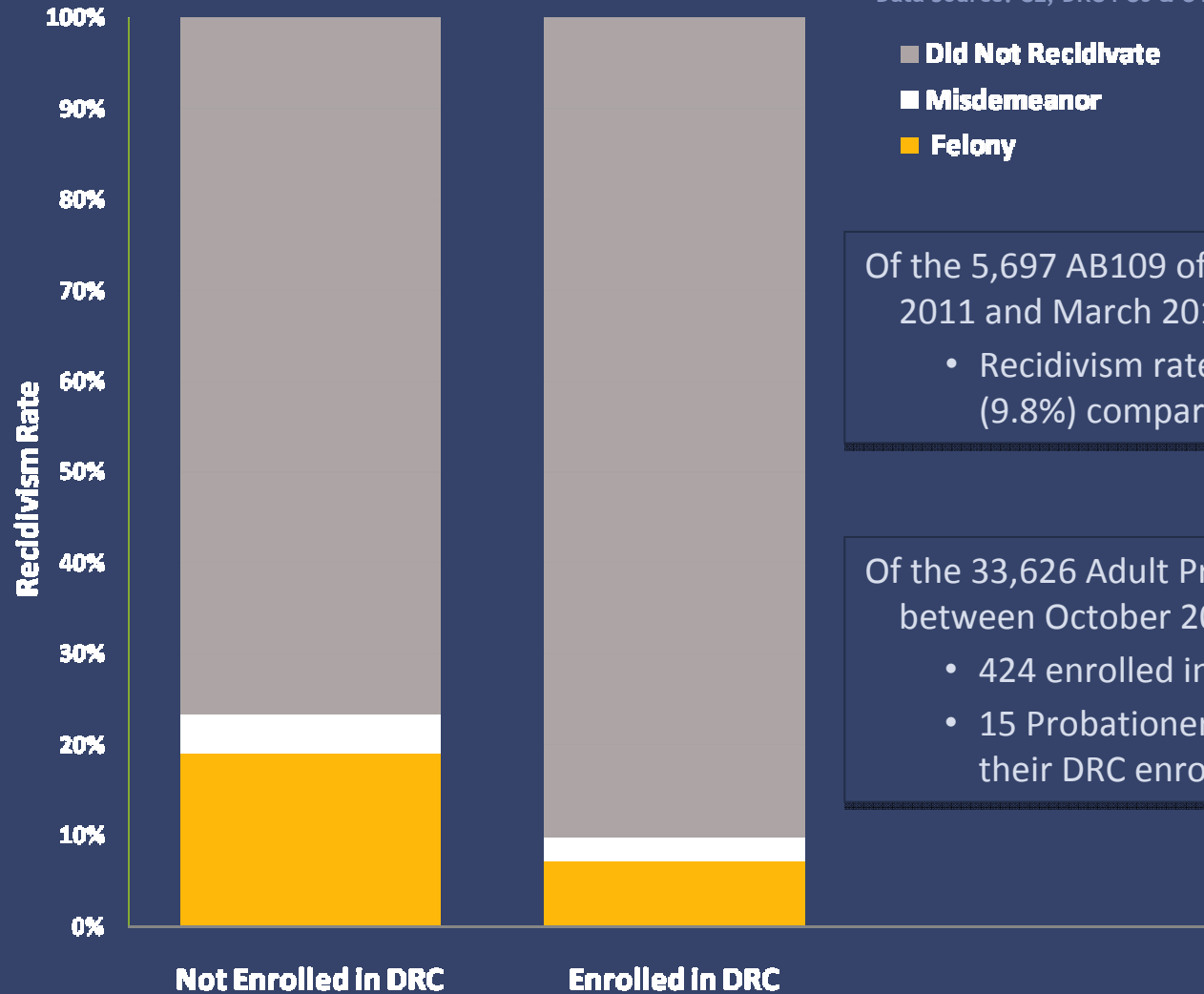




# DRC Recidivism

## Day Reporting Centers and Recidivism Rate

Data Source: CE, DRC POs & OTS



Of the 5,697 AB109 offenders served between October 2011 and March 2013, 2,081 enrolled in the DRCs.

- Recidivism rate is lower for those enrolled (9.8%) compared to not enrolled (23.2%)

Of the 33,626 Adult Probation offenders served between October 2011 and March 2013:

- 424 enrolled in the DRCS
- 15 Probationers re-offended subsequent to their DRC enrollment

October 2011 through March 2013



# AB109 Outcomes

*Recidivism: Recurrence of Re-Arrests*



as of March 31, 2013

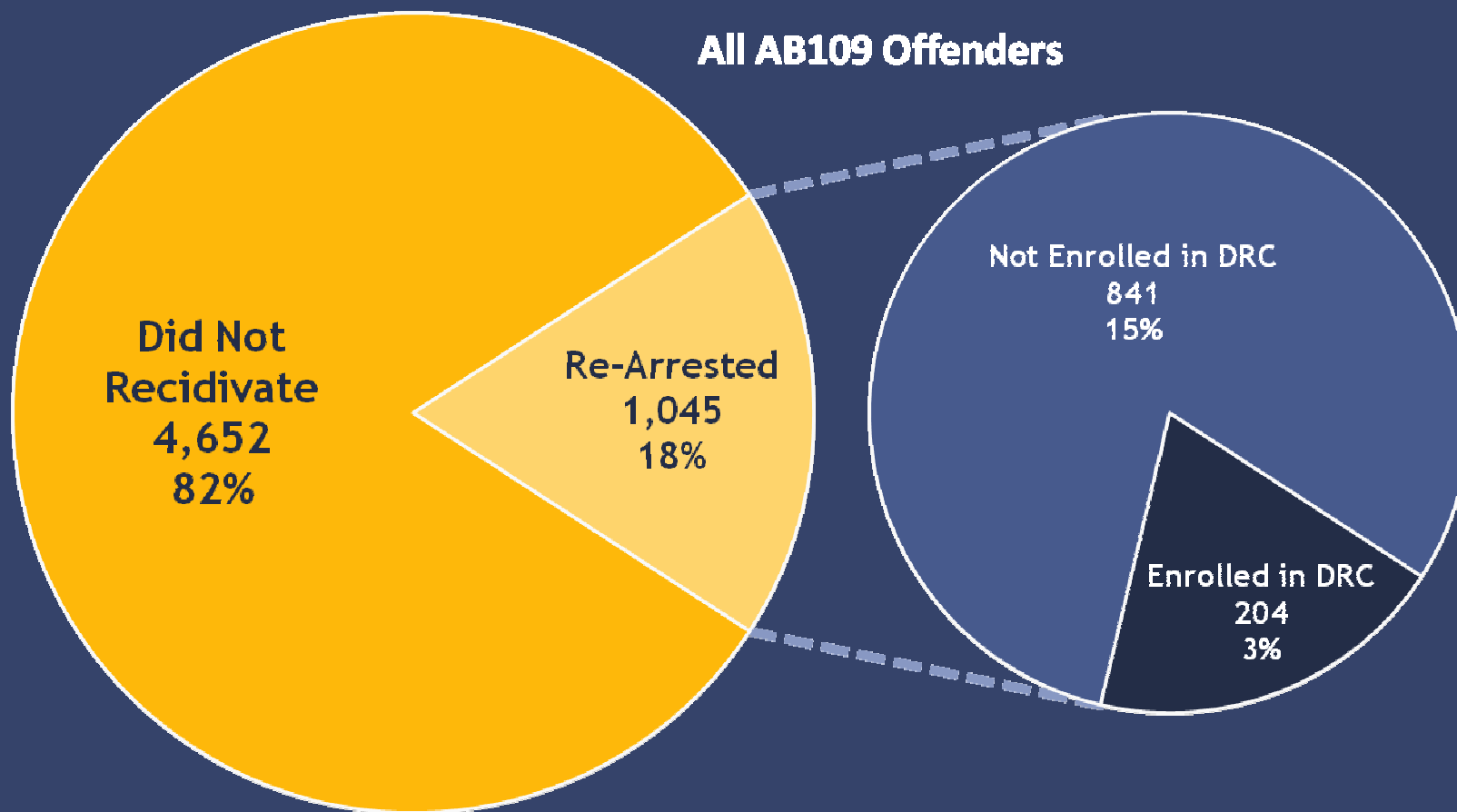




# DRC Recidivism

*Recidivism Related to DRC Enrollment*

**All AB109 Offenders**



Data Source: CE, DRC POs & OTS

October 2011 through March 2013





# Recidivism **PRCS**

- Parole Recidivism in San Bernardino County 82.5%
- Parole Recidivism Statewide 67.5%
- Total Arrests (VCO, Felony & Misdemeanor) 37%
- Arrests (Felony & Misdemeanor only – no violations) 33%
- Convictions (Felony & Misdemeanor) 8%
- Convictions & Violations 21%



# San Bernardino County Probation

Probation is fully operational

- Supervision (hiring complete)
- Treatment (Day Reporting Centers)
- Services
- Collaboration

BALANCE

# AB 109

## IMPACT ON OUR JAILS



*John McMahon, Sheriff-Coroner*

# AB109 Impact

- Impact of AB109 was more drastic than anticipated
- The Department receives a percentage of AB109 funds allocated to the county from the state
- Jails now house inmates longer
- Prior to AB109 the average length of inmate stay was 41 days, currently it is 182 days



# Rated Population Capacities

- The Department operates two jails under the Haas Agreement court order to eliminate overcrowding
- Haas authorizes the Department to manage population Bureau wide
- The Board of State and Community Corrections (BSCC) rates the maximum number of inmates for each facility



# Facilities



- Glen Helen Rehabilitation Center (GHRC)
  - Date Opened: 1960
  - BSCC Rating: 1068
  - Haas Rating: 1294
- Central Detention Center (CDC)
  - Date Opened: 1971
  - BSCC Rating: 740
  - Haas Rating: not rated because it was closed at the time
- West Valley Detention Center (WVDC)
  - Date Opened: 1991
  - BSCC Rating: 3072
  - Haas Rating: 3072
- Adelanto Detention Center (ADC)
  - Date Opened: 2006
  - BSCC Rating: 706
  - Haas Rating: not rated because the Department had not acquired the facility





# Adelanto Detention Center Expansion Project

- ADC is the only Type II jail in the high desert region
- ADC was purchased in 2004 to alleviate jail crowding
- Opened 2006 after remodeling
- In 2008, ADC received AB900 grant funds to expand
- Construction began in 2011 and is expected to be completed in late 2013



# Population Management

- Prior to AB109, GHRC was the primary facility for sentenced inmates
- The Department currently has 227 inmates on work release, 3,123 weekenders, and 466 inmates on electronic ankle monitors
- Since the implementation of AB109, 2,968 inmates who would have been housed in jail have been automatically placed on either electronic monitoring or work release to help alleviate overcrowding





# Inmate Classification

- The Department is housing more inmates that normally would have been sentenced to state prison
- Our protective custody and high security populations have increased
- Criminal sophistication has also increased
- This has caused the Department to move inmate housing locations and modify our classification system



# Administrative Management

- Last month a new captain was approved by the Inmate Welfare Committee who will oversee the requirements of AB 109, inmate programming, population management, corrections compliance, and corrections training



# Increased Operational Costs Since 2010 (Pre-AB109)

- Inmates in custody for longer periods have led to higher health care costs
- The number of nursing visits has increased by more than 25% since 2010
- Dental visits and costs are expected to increase
- Pharmaceutical costs have risen 20%
- A 32 bed wing at ARMC is being negotiated



# THANK YOU



*John McMahon, Sheriff-Coroner*

# AB 109 Impact on District Attorney Operations

Michael A. Ramos  
District Attorney



## Two impact areas

Post release community  
supervision (PRCS)

County Prison (Penal Code  
§1170(h))

# PRCS

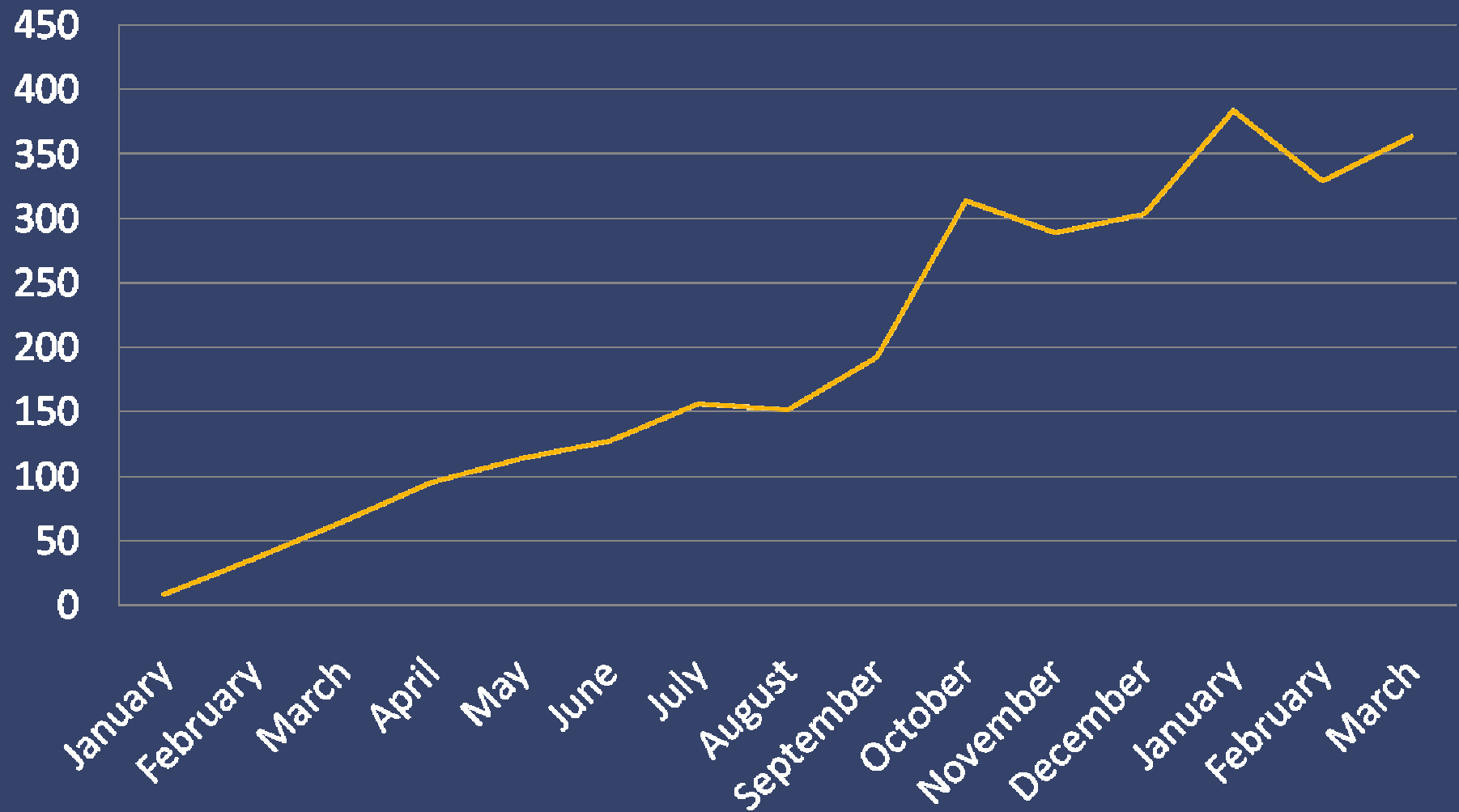
What is it?

Revocation Hearings

Punishment

July 1, 2013

# PRCS Revocation Hearings





# PRCS Data

2934 hearings

331 per month

81 *Morrissey* per month

412 after July 1

# County Prison (PC §1170(h))

What is it?

Caseload impact

Public impact

# Defendant Data

4512 (Sheriff)

3528 Sentenced

1500 Return

42.5%

# Case Data

2055 New Cases

Kidnappings – 3

Robbery – 13

Domestic Violence – 64



*Protecting constitutional rights and promoting justice  
through effective litigation.*

# Public Defender Representation Services Under Realignment

- Post-release community supervision violations (state prisoners who are now supervised by Probation).
- Split-sentence violations.
- Probation violations that can potentially lead to a split sentence or terminal county jail felony disposition.
- Dispositions on new felony filings that now carry a felony county jail terminal sentence or a county jail split-sentence disposition instead of a state prison term.
- Beginning June 1, 2013, parole violation hearings for inmates who remain under the jurisdiction of California Department of Corrections and Rehabilitation.

# Post-Release Community Supervision Unit

(County supervision of offenders released from state prison)

From October 2, 2011, through March 3, 2013, the Public Defender's Office represented PRCs clients on 1,506 cases. The majority of the cases required 2 to 3 appearances before resolution.

Since December 11, 2011, the Public Defender SSP has handled 303 referrals on PRCs clients.

# Issues Reported by PRCs Clients

- 29% are homeless.
- 30% struggle with alcohol and/or drugs.
- 17% have a major mental health problem.
- 52% are unemployed prior to incarceration.



# Challenges

- Lack of transportation for clients living in remote desert communities.
- Lack of inpatient drug and/or alcohol treatment beds.
- Lack of inpatient drug and/or alcohol treatment beds for sex registrants.
- Services for developmentally disabled clients who do not qualify for Regional Center (high-functioning clients).
- Lack of access to services and medications for the mentally ill.

# Parole Hearings

## July 1, 2013

Between August 1, 2012, and January 31, 2013,  
parole reported:

- 2,410 probable cause hearings (initial filings)
- 55 revocation hearings
- 27 optional waivers
- 1 settlement conference

**Total 2,493 hearings**



# 2011 Public Safety Realignment – AB 109

CaSonya Thomas, Director  
Department of Behavioral Health  
April 5, 2013

# Human Services Overview

- Assistant Executive Officer Linda Haugan serves as a member of the CCP Executive Committee.
- Director of Behavioral Health CaSonya Thomas serves as an auxiliary member of the CCP.
- Human Services departments provide services at the DRCs and throughout the community.

# Human Services in Partnership

- Department of Behavioral Health
- Department of Public Health
- Transitional Assistance Department
- Children and Family Services
- Department of Aging and Adult Services

# Behavioral Health Services Overview

- Mental Health
  - Intensive case management services for PRCS individuals with a CDCR designated classification called Enhanced Outpatient Program (EOP).
  - Comprehensive behavioral services assessment, evaluation along with medication support services, housing, and direct linkages to available community resources.

# Behavioral Health Services Overview

## Continued

- Substance Use Disorder Services
  - Continuum of care for alcohol and other drug services , such as residential and outpatient treatment, recovery center services, and other specialized services such as Narcotic Treatment Program (NTP), Drug Court, and perinatal services.

# Behavioral Health Services Program Description

- Service plan designed into two phases.
  - Phase One: Case Management
  - Case management, screenings, referrals, and educational classes at the DRC.
  - Classes include the following topics:
    - Understanding Addiction
    - Phases of Recovery from Dual Disorders
    - Effective Problem Solving
    - Interpersonal Communication
    - Coping with Depression and Anger Management



# Behavioral Health Services

## Program Description Continued

- Phase Two: Community Treatment
  - Medi-Cal reimbursable outpatient mental health and substance use services planned for each DRC.
  - Forensic-based intensive case management services provided through an existing community outpatient clinic.
  - Major milestone: Rancho Cucamonga DRC is the first in the state to be certified to provide mental health and alcohol and drug treatment on site.

# Performance Data – Year One

October 2011 – September 2012

- Out of 90 EOP cases, 76% or 68 cases continue to be monitored by DBH.
  - Remaining 24% were either transferred to another county for supervision (7), released from supervision by probation (7), or still pending release from CDCR (8).
- 160 PRCS individuals accessed substance use disorder services:
  - 90 Residential services
  - 51 Outpatient services
  - 7 Drug Court services
  - 6 Perinatal services
  - 6 Narcotic Treatment Program

# Additional Points of Entry

- AB 109 population access behavioral health services outside of the DRCs, through services which include, but is not limited to:
  - Pharmaceutical services
  - Outpatient clinics
  - Crisis Walk-In Centers
  - Mobile Crisis Response Teams
  - Inpatient psychiatric and medical hospital settings

# Next Steps – Tracking and Training

- Develop a Health Insurance Portability and Accountability Act (HIPAA) compliant data tracking system to gather and monitor statistical data and performance outcomes.
- Provide Crisis Intervention Training to Probation and law enforcement staff.
- Provide evidence based training courses to DBH staff who work directly with the AB 109 forensic population.

- CDCR has not reached the required capacity
  - Another 6,000 -9,000
- Jail Beds – Long term local sentences
- Data Collection – Local and State
- Split Sentences
- Media Presentations (Anecdotal & Factual)
- Pride in the Collaboration within San Bernardino County



COMMENTS BY  
**AB109 Chair**  
Chief Michelle Scray Brown